

Zoning Ordinance Approval
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION



AGENDA ITEM NO.: 52
AGENDA DATE: Thu 12/02/2004
PAGE: 1 of 1

SUBJECT: C14-02-0181 - Champion Tract - City Park Road West - Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6100-6404 City Park Road and 6509-6909 FM 2222 (Bull Creek Watershed) from development reserve (DR) district zoning and neighborhood commercial-conditional overlay (LR-CO) combining district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Council approved neighborhood commercial-conditional overlay (LR-CO) combining district zoning at first reading. First reading on March 25, 2004. Vote: 4-3, Goodman, Slusher and Alvarez - nay. Applicant: Josie Champion. Agent: Graves, Dougherty, Hearon, Moody (Michael Whellan. City Staff: Glenn Rhoades, 974-2775.

REQUESTING Neighborhood Planning **DIRECTOR'S**
DEPARTMENT: and Zoning **AUTHORIZATION:** Greg Guernsey

SECOND READING SUMMARY SHEET

ZONING CASE NUMBER: C14-02-0181

REQUEST:

Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6100-6404 City Park Road and 6509-6909 FM 2222 from neighborhood commercial-conditional overlay (LR-CO) combining district zoning and development reserve (DR) district zoning to community commercial-mixed use (GR-MU) combining district zoning.

DEPARTMENT COMMENTS:

This case was considered by the City Council on March 25, 2004. The Council approved the recommendation made by this Commission, with the condition that staff conduct a trip limitation analysis with the other Champion properties in the immediate vicinity (see attached traffic memo dated 9/30/04). The vote at Council was 4-3, with J. Goodman, R. Alvarez and D. Slusher voting nay.

The reason the applicant is bringing this case back to Commission, is because the request has been amended to GR-MU. In addition to the request to delete the shared 6,500 vehicle trip per day limit, the applicant wishes to delete the restriction that limits the property to 4,000 square feet of retail.

APPLICANT: Champion Assets Ltd. (Josie Champion)

AGENT: Graves, Dougherty, Hearon and Moody (Michael Whellan)

DATE OF FIRST READING/VOTE:

March 25, 2004 – Approved neighborhood commercial conditional overlay (LR-CO) combining district zoning (Vote: 4-3, J. Goodman, D. Slusher and R. Alvarez – nay).

CITY COUNCIL DATE:

February 13, 2003 – Postponed indefinitely by applicant (Vote: 7-0).

August 28, 2004 – Postponed at the request of the applicant to 2/26/04 (Vote: 7-0).

February 26, 2004 – Postponed by staff to March 25, 2004 (Vote: 6-0, Thomas – off dais).

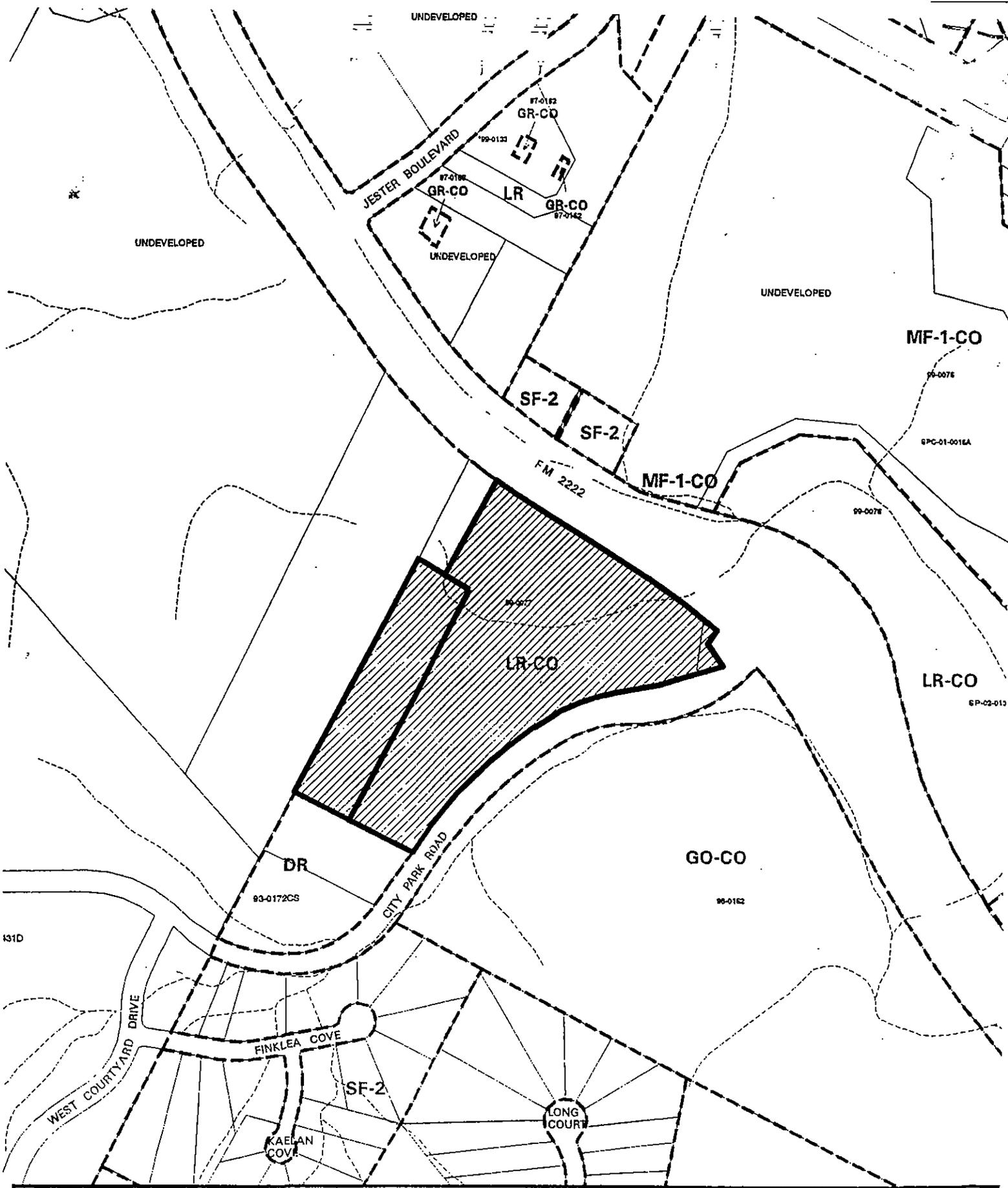
March 25, 2004 – Approved LR-CO zoning (Vote: 4-3).

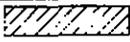
November 4, 2004 – Postponed at the request of the neighborhood to 12/2/04 (Vote: 7-0).

December 2, 2004

ASSIGNED STAFF: Glenn Rhoades

PHONE: 974-2775
glenn.rhoades@ci.austin.tx.us



 1" = 400'	SUBJECT TRACT  PENDING CASE  ZONING BOUNDARY  CASE MGR: G. RHOADES	ZONING CASE #: C14-02-0181 ADDRESS: 6404 CITY PARK ROAD SUBJECT AREA (acres): 17.500	DATE: 02-12 INTLS: SM	CITY GRID REFERENCE NUMBER F30
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ZONING CHANGE REVIEW SHEET

CASE: C14-02-0181

Z.A.P. DATE: January 7, 2003
January 14, 2003
October 19, 2004

C.C. DATE: February 13, 2003
August 28, 2003
February 26, 2004
March 25, 2004
November 4, 2004
December 2, 2004

ADDRESS: 6100-6404 City Park Road and 6509-6909 FM 2222

OWNER/APPLICANT: Champion Assets Ltd. (Josie Ellen Champion)

AGENT: Graves, Dougherty, Hearon and Moody (Michael Whellan)

ZONING FROM: LR-CO and DR

TO: GR-MU

AREA: 17.5

SUMMARY STAFF RECOMMENDATION:

Without a Traffic Impact Analysis (T.I.A.) amendment, staff recommends denial of the request for LR-CO, Neighborhood Commercial-Conditional Overlay Combining district zoning. If the zoning is granted, an additional 43 feet of right of way should be dedicated to the City.

ZONING AND PLATTING COMMISSION RECOMMENDATION:

January 7, 2003 – Postponed at the request of staff until the 1/14/03 hearing.

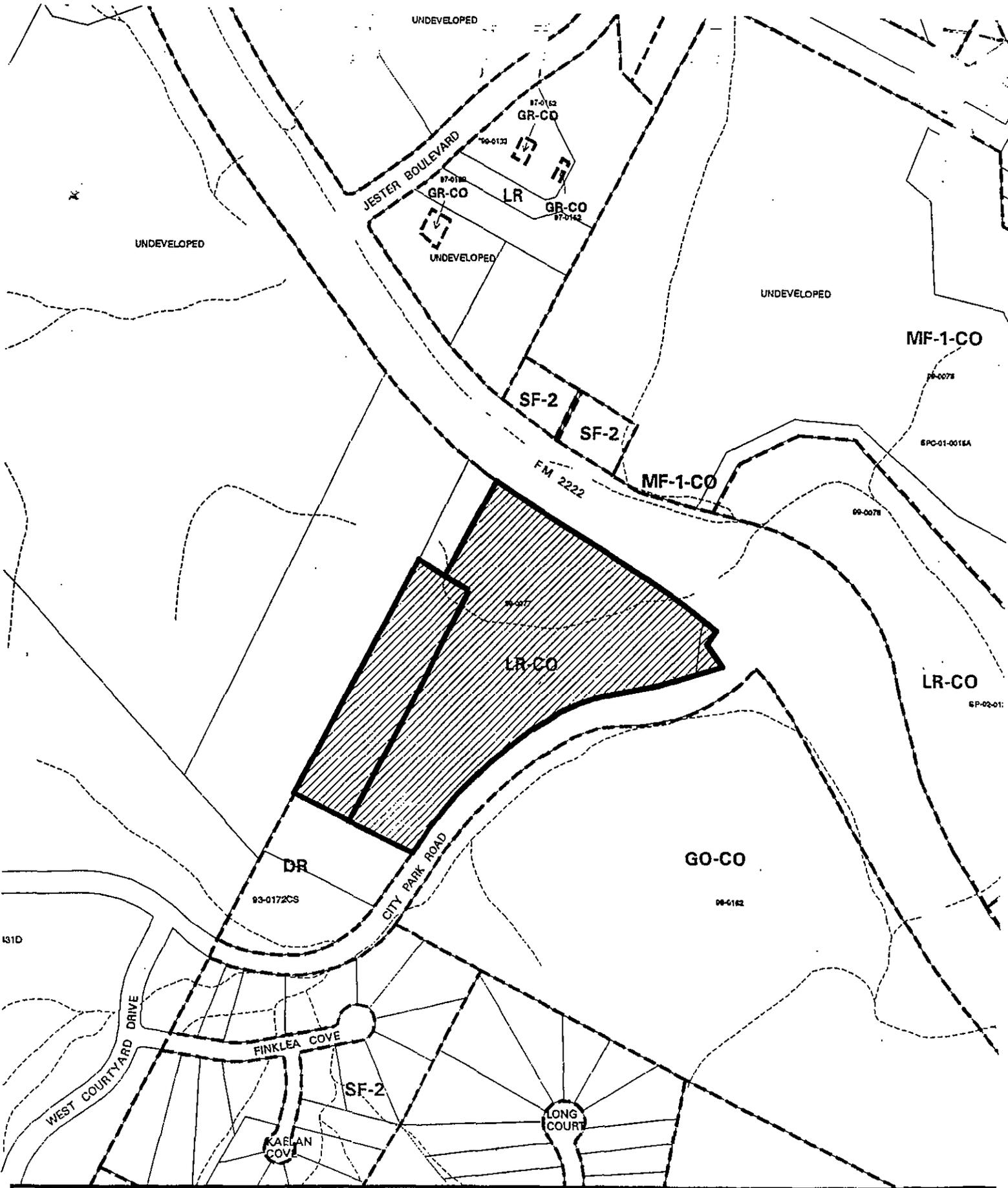
January 14, 2003 – Approved LR, Neighborhood Commercial district zoning, subject to right of way dedication of 43 feet from the centerline of City Park Road (Vote: 6-2, J. Cortez and C. Hammond – nay, J. Donisi – absent) and no other conditions.

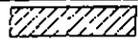
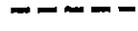
November 4, 2004 – Approved GR-MU-CO. In addition, the Commission recommended to delete the trip limit, the square footage limit, dedicate right of way, update the T.I.A., update the cost estimates for roadway improvements and post fiscal prior to site plan (Vote: 7-2, Donisi and Hammond – nay).

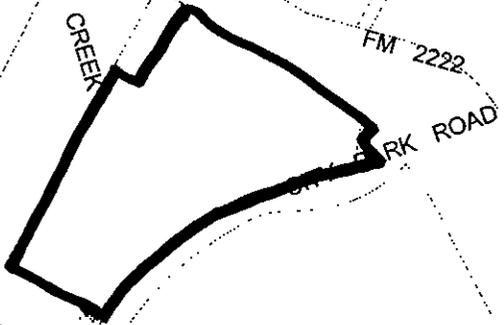
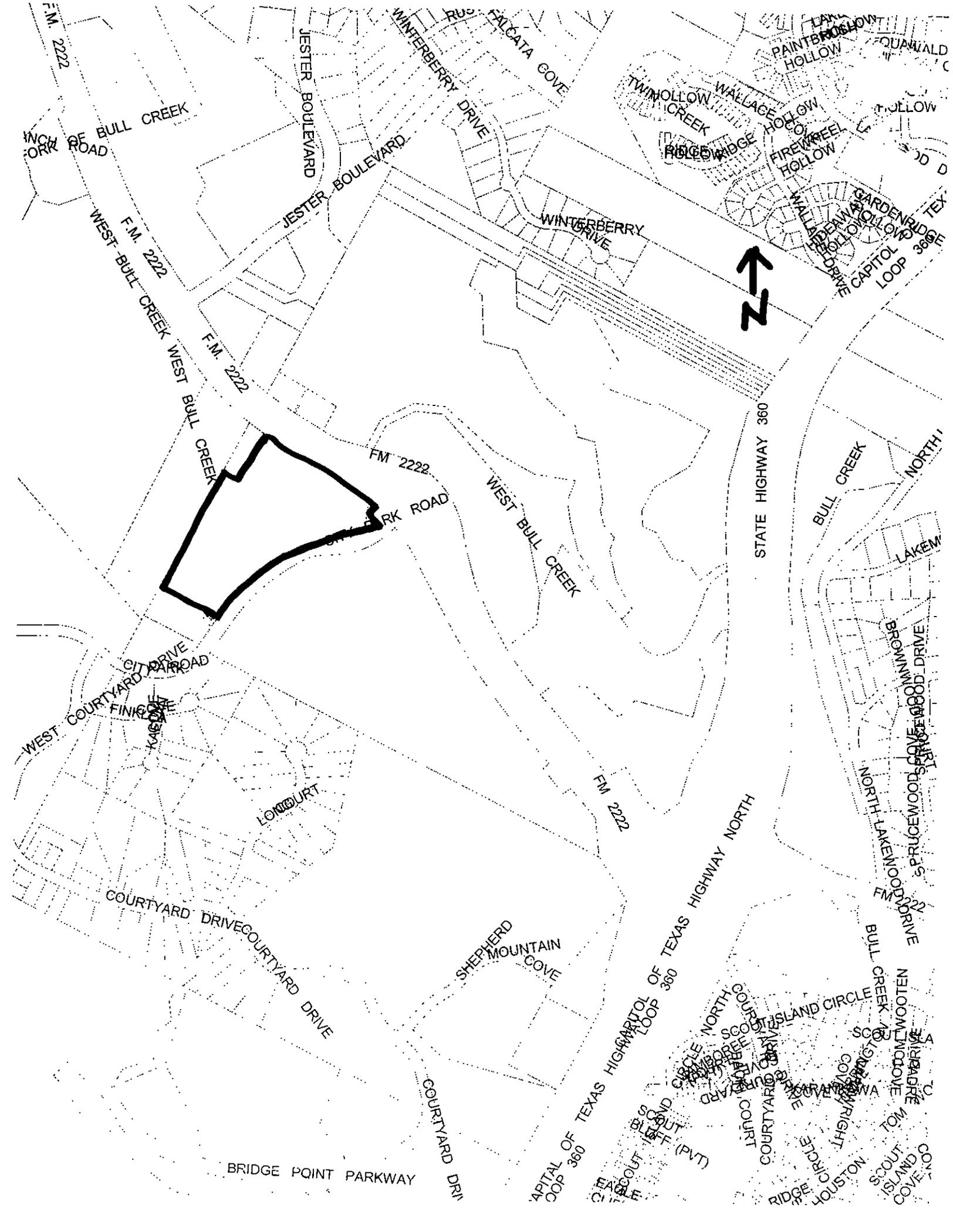
ISSUES:

This case was considered by City Council in March 25, 2004. The Council approved the recommendation made by Commission on January 14, 2003 with the condition that staff conduct a trip limitation analysis with the other Champion properties in the immediate vicinity (see attached traffic memo dated 9/30/04). The vote at Council was 4-3, with J. Goodman, R. Alvarez and D. Slusher voting nay.

The reason the applicant is bringing this case back to Commission and Council, is because the request has been amended to GR-MU. In addition to the request to delete the shared 6,500 vehicle trip limit, the applicant wishes to delete the restriction that limits the property to 4,000 square feet of retail.



 1" = 400'	SUBJECT TRACT 	ZONING	CITY GRID REFERENCE NUMBER F30	
	PENDING CASE 			CASE #: C14-02-0181
	ZONING BOUNDARY 			ADDRESS: 6404 CITY PARK ROAD
	CASE MGR: G. RHOADES			DATE: 02-12 INTLS: SM
SUBJECT AREA (acres): 17.500				



UNDEVELOPED

SF-1
LESTER BOULEVARD

DR



STAFF RECOMMENDATION

With the absence of a Traffic Impact Analysis amendment, staff cannot recommend the proposed zoning change.

BACKGROUND

The majority of the subject tract was part of a zoning case considered and approved by City Council on March 9, 2000. As a condition of zoning, a conditional overlay was approved that limited the total number of vehicle trips generated by this property and three other properties to 6,500 vehicle trips per day. These four properties were approved with various use and site development restrictions (see attached zoning ordinances). Staff will have a large map at the hearing delineating the properties in relation to the present zoning case, in addition to a breakdown of existing site plan and subdivision applications being reviewed at this time.

The ordinance for the majority of the subject tract (case C14-99-0077) was approved in March of 2000 for LR-CO zoning on 13.5 acres of land (note: excluding the portion of the site currently zoned DR. The conditional overlay limited the property to 4,000 square feet of retail and to a 6,500 trip limitation to be shared with three other properties. With this application the applicant has two requests: 1) they are requesting to rezone the DR portion of the site to LR-CO, and 2) to eliminate the shared 6,500-vehicle trip limitation. The applicant would then like to restrict the subject tract to a total of 2,000 trips per day. The request could potentially raise the number of shared vehicle trips on the other 3 tracts.

BASIS FOR RECOMMENDATION

It has been determined by the Watershed Protection and Development and Review Department that an amendment to the T.I.A, which was required and reviewed by the City with the four earlier cases, will need to be performed with the existing application. The applicant does not wish to amend the T.I.A. at this time. Therefore, staff recommends denial of the proposed zoning because of the lack of traffic information. Furthermore, should this case be approved by Council, rezonings for the other three properties affected by the shared 6,500 vehicle trip limit should be initiated. The subject tract should not go forward to final ordinance approval, unless the other 3 properties are heard concurrently considered with this case.

EXISTING CONDITIONS

Site Characteristics

The site is currently undeveloped.

Transportation

Without a TIA update, staff cannot recommend the proposed zoning change. The zoning application is intended to eliminate the existing conditional overlay that limits the subject tract, as well as 3 other Champion tracts, to a cumulative 6,500 vehicle trips per day.

The trip generation under the requested zoning is estimated to be an additional 2,000 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).

The other three Tracts (1A, 1B and 1D) have approved site plan permits and are currently approved for 6 Single Family lots, 63,492 square feet of Office and 459 Multi-Family Units. As approved, the uses cumulatively generate 3,900 trips per day. In addition, the Champions have submitted 3 subdivisions (Champion West, East and SR) for review. These 3 subdivisions propose 30,000 sf of Office, 4,000 sf of Retail and 40,000 sf of Retail. Those uses would generate 5,168 trips per day. Cumulatively, the total number of trips generated by the applications that have been submitted is 9,068 trips per day. **This would be an increase of 2,568 trips per day from the 6,500-trip limitation if the current CO limitation is removed.**

The Austin Metropolitan Area Transportation Plan calls for a total of 86 feet of right-of-way for City Park Road. If the requested zoning is granted, then 43 feet of right-of-way should be dedicated from the existing centerline of City Park Road in accordance with the Transportation Plan. [LDC, Sec. 25-6-51 and 25-6-55)

A Traffic Impact Analysis (TIA) is required but has not been received. A zoning application is not complete until the required TIA has been received.

There are no existing sidewalks along City Park Road.

City Park Road is classified in the Bicycle Plan as a Priority 1 bike route.

Capital Metro bus service is available R.M. 2222.

Impervious Cover

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the West Bull Creek Watershed of the Colorado River Basin, and is classified as a Water Supply Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under the current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% NSA with Transfers</i>
One or Two Family Residential	30%	40%
Multifamily Residential	40%	55%
Commercial	40%	55%

Development within a Water Quality Transition Zone may not exceed 18% impervious cover.

Environmental

According to flood plain maps, there is flood plain in, or within close proximity of, the project location. Based upon the close proximity of the flood plain, offsite drainage should be calculated to determine whether transition zone exists within the project location. If transition zone is found to exist within the project area, allowable impervious cover within said zone shall be limited to 18%.

The site is located within the endangered species survey area and must comply with the requirements of Chapter 25-8 Endangered Species in conjunction with subdivision and/or site plan process.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to providing structural sedimentation and filtration basins with increased capture volume and 2 year detention.

Right of Way

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed subdivision, site plan, or zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

Water and Wastewater

The landowner intends to serve the site, each lot, and proposed land use with City water and wastewater utilities. Water and wastewater utility improvements, offsite main extension, and system upgrades are required. The landowner will be responsible for all costs and for providing.

The water and wastewater utility plan must be reviewed and approved by the City of Austin Water and Wastewater Utility. The plan must be in accordance with the City's utility design criteria.

Stormwater Detention

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

Compatibility Standards

The site is subject to compatibility standards. Along the southernmost property line, the following standards apply:

- No structure may be built within 25' feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25' feet of the property line.

- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.
- Additional design regulations will be enforced at the time a site plan is submitted.



MEMORANDUM

To: Glenn Rhoades, Case Manager
Neighborhood Planning and Zoning Department

From: George Zapalac
Watershed Protection and Development Review Department

Date: September 30, 2004

Subject: Champion Tract Zoning Cases
C14-02-0181, C14-03-0140, C14-04-0115, C14-04-0116

The following information is provided regarding traffic issues related to the Champion Tract zoning cases.

Background

Zoning cases were originally filed on these properties in 1998, and a traffic impact analysis (TIA) was prepared which analyzed all four tracts. An update to the TIA was submitted in 1999. Based on the assumptions of that TIA, the project would have generated a total of 14,808 trips per day (unadjusted). The TIA indicated that most of the affected intersections could achieve an acceptable level of service with various road improvements, including the expansion of RM 2222 to 6 lanes between Loop 360 and City Park Rd. When the case was heard by Council, the zoning was approved with a limitation of 6500 vehicle trips per day on all four tracts and without the expansion of RM 2222.

In 2002 and 2003, the owner filed new applications on two of the tracts to request that the limitation of 6500 trips per day be increased. These cases were heard by Council on March 25, 2004, and approved on first reading with instructions to staff to return on second and third readings with a proposal for an alternative trip limitation. Subsequently, the owner filed new zoning applications for the remaining two tracts requesting to remove the trip limitation on those tracts as well.

Staff did not originally recommend the applicant's request to remove the trip limitation because Council had previously imposed it and the applicant had provided no new information to justify an increase in the number of trips. Staff recommended that the applicant provide an updated TIA to evaluate the effect of the increased traffic. At the March 25 meeting, Council did not require

the applicant to prepare a TIA but asked staff to provide further analysis of the traffic to determine an appropriate limitation on the number of trips. Council also asked the staff to look into adding additional capacity to RM 2222 to accommodate traffic growth in the area. In the absence of a new TIA, previous studies can provide a basis for an alternative recommendation.

Regional Development Study: RM 2222/Bull Creek/West Bull Creek Watershed Area

This study, prepared by the City in November, 1993, analyzed long-term growth trends for the Bull Creek Watershed, a major contributor of traffic to RM 2222. One conclusion of the study was that the existing 4-lane roadway had insufficient capacity to accommodate full build-out of all the development that had already been approved by the City at the time. It was estimated that a 4- to 6-lane parkway or expressway would eventually be needed to accommodate projected travel demand in the corridor. As of 1992, traffic volumes along the section of RM 2222 between RM 620 and Loop 360 ranged from 13,000 – 16,000 vehicles per day. By 2002, those volumes had increased to 28,000 – 37,000 vehicles per day. Capacity of the road is 31,500 – 39,000 vehicles per day, meaning that it is currently operating at 89 - 95 percent of capacity.

Previous Champion Tract Traffic Impact Analysis

The TIA prepared for the Champion Tract in 1999 was based on the following land use and traffic assumptions. All traffic numbers are adjusted to compensate for internal trips between different land uses and for pass-by traffic that is already on the abutting streets.

Tract	Land Use	Size	24-hour Traffic	AM Peak	PM Peak
1	General Office	350,000 sf	3,854	546	522
	Multi-family	570 units	3,779	291	354
	Shopping Center	60,000 sf	2,945	71	269
	Single-family	11 units	136	17	14
2	Restaurant	6,000 sf	469	33	39
	Single-family	3 units	41	12	5
3	General Office	30,000 sf	526	72	113
4	Restaurant	6,000	469	33	39
	Total		12,219	1075	1355

The TIA determined that the level of service at affected intersections could be improved with the following improvements:

Location	Improvement	Total Cost	Applicant's Share (%)	Applicant's Cost
Loop 360 & RM 2222	Eastbound and westbound through lanes; northbound left turn lane	\$377,126	14	\$52,798
Loop 360 & Lakewood	Dual left turn lane; shared through/right on Lakewood	55,014	6	3,301
Loop 360 & West	Left turn, left/through shared land, right turn lane on West Courtyard	35,895	5	1,795

Courtyard				
City Park Rd. & RM 2222	Eastbound and westbound through lanes; dual left turn lanes and through/right shared lane	\$332,630	16	\$53,221
Jester Blvd & RM 2222	Eastbound and westbound through lanes.	303,143	6	18,189
Total		\$1,103,808		\$129,304

These cost figures have not been reviewed by TXDOT and have not been updated since they were prepared in 1999.

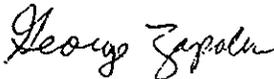
Council did not adopt these recommendations with the original zoning case and chose instead to limit the amount of traffic to 6,500 trips per day.

Recommendations

If Council wishes to change the original condition of approval on this property, staff recommends the following:

1. The applicant should post fiscal surety for the improvements identified in the original traffic impact analysis as listed above. The cost estimates should be updated and reviewed by TXDOT, and the fiscal should be posted prior to third reading of the zoning.
2. Council should initiate an amendment to the Austin Metropolitan Area Transportation Plan and the CAMPO plan to add two lanes to RM 2222 between Loop 360 and City Park Rd.
3. Development of the tract should be limited to an intensity that will not exceed or significantly vary from the projected traffic conditions assumed in the 1999 traffic impact analysis. Such assumptions include peak-hour trip generation, traffic distribution, roadway conditions, and other traffic characteristics.

Please contact me at 974-2725 if you have any questions.



George Zapalac
Watershed Protection and Development Review Department

ORDINANCE NO. 000309-79

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 25-2 OF THE CITY CODE AS FOLLOWS:

A TRACT OF LAND OUT OF THE JAMES JETT SURVEY NO. 1 AND THE T. J. CHAMBERS GRANT, FROM SINGLE FAMILY RESIDENCE STANDARD LOT (SF-2) DISTRICT TO COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO) COMBINING DISTRICT, LOCALLY KNOWN AS 5618-5628 F.M. 2222 ROAD, 6200-6320 NORTH LAKEWOOD DRIVE, 6702-6710 NORTH LAKEWOOD DRIVE, 6401-6713 CAPITAL OF TEXAS HIGHWAY NORTH AND 6201-6203 CAPITAL OF TEXAS HIGHWAY NORTH, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from Single Family Residence Standard Lot (SF-2) district to Community Commercial-Conditional Overlay (GR-CO) combining district on the property described in File C14-98-0163, as follows:

A tract of land out of the James Jett Survey No. 1, in Travis County, Texas, the tract of land being more particularly described by metes and bounds in Exhibits A-1, A, B, and C incorporated into this ordinance, (the "Property")

commonly know as Tract 5, locally known as 5618-5628 F.M. 2222 Road, 6200-6320 North Lakewood Drive, 6702-6710 North Lakewood Drive, 6401-6713 Capital of Texas Highway North and 6201-6203 Capital of Texas Highway North, in the City of Austin, Travis County, Texas, and as more particularly identified in the map attached as Exhibit "D".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 782 adjusted trips per day.

2. Along the eastern property line a building or structure may not be constructed or maintained within 75 feet of a slope with a gradient of 25 percent or more (generally identified as the bluff).
3. A 50 foot wide undisturbed vegetative buffer shall be provided and maintained along the eastern property line. Development within the buffer shall comply with the screening requirements of Section 25-2-1027 (*Visual Screening*) of the City Code, Section 2.9.2 (*Special Screening Standards for Hill Country Sites*) and Appendix A (*Special Revegetation Criteria for Hill Country Roadway Sites*), of the Environmental Criteria Manual. Restoration and replacement of destroyed or diseased vegetation is permitted as necessary.
4. Vehicular access from the Property to Lakewood Drive is prohibited. All vehicular access to the Property shall be from other adjacent public streets or through other adjacent property.
5. A building or structure may not exceed 6,000 square feet of gross floor area.
6. Cut and fill in excess of 4 feet is not permitted on the Property.
7. Highly reflective materials may not be used on the Property.
8. The noise level of mechanical equipment may not exceed 70 DBA at the eastern property line.
9. A building or structure may not exceed a height of 28 feet above ground level.
10. The following uses of the Property are prohibited:

Automotive Sales

Automotive Repair Services

Commercial Off-Street Parking

Service Station

Financial Services

Automotive Rentals

Automotive Washing (of any type)

Off-Site Accessory Parking

Exterminating Services

Restaurant (Drive-in, Fast Food)

11. Exterior lighting must be hooded or shielded so that the light source is not directly visible from adjacent property.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the Community Commercial (GR) base district and other applicable requirements.

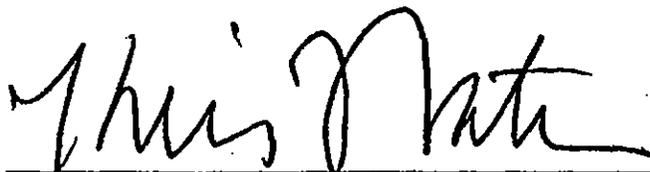
PART 3. The Council waives the requirements of Section 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

PART 4. This ordinance takes effect on March 20, 2000.

PASSED AND APPROVED

March 9, 2000

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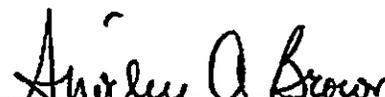
Kirk Watson
Mayor

APPROVED:

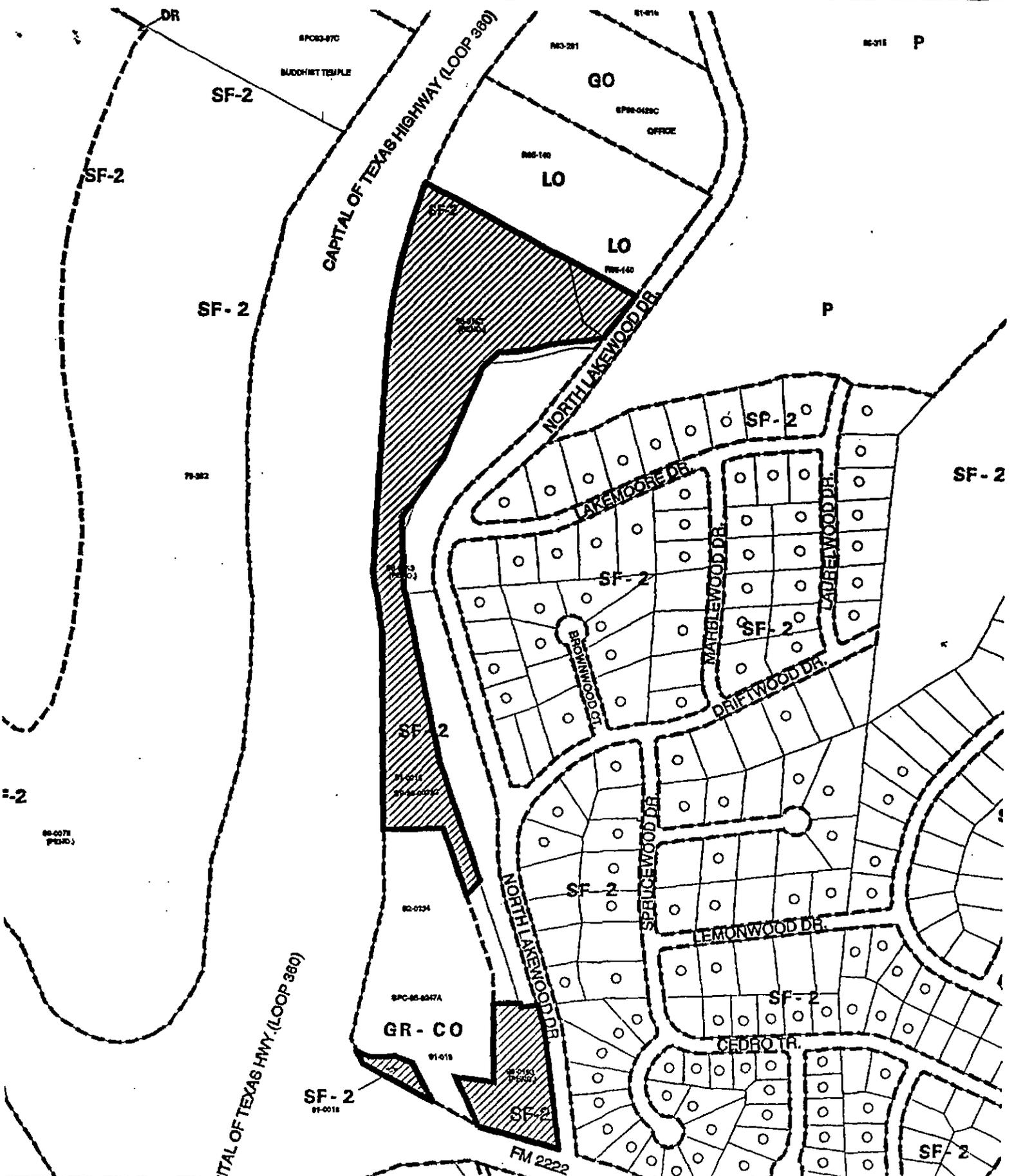


Andrew Martin
City Attorney

ATTEST:



Shirley A. Brown
City Clerk



N
 SUBJECT TRACT 
 PENDING CASE 
 ZONING BOUNDARY 
 CASE MGR: D.PERYMAN

ZONING EXHIBIT D

CASE #: c14-98-0163
ADDRESS: CHAMPION TRACT
SUBJECT AREA (approx): 15

DATE: 00-04
MUTUALITY:

CITY GRID REFERENCE NUMBER
 G30

1" = 400'

ORDINANCE NO. 000309-81

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 25-2 OF THE CITY CODE AS FOLLOWS:

A 13.499 ACRE TRACT OF LAND OUT OF THE JAMES JETT SURVEY NO. 1, FROM DEVELOPMENT RESERVE (DR) DISTRICT TO NEIGHBORHOOD COMMERCIAL-CONDITIONAL OVERLAY (LR-CO) COMBINING DISTRICT, LOCALLY KNOWN AS 6100-6404 CITY PARK ROAD AND 6509-6909 F.M. 2222 ROAD, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from Development Reserve (DR) district to Neighborhood Commercial-Conditional Overlay (LR-CO) combining district on the property described in File C14-99-0077, as follows:

A 13.499 acre tract of land out of the James Jett Survey No. 1, in Travis County, Texas, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, (the "Property")

commonly known as Tract 2, locally known as 6100-6404 City Park Road and 6504-6909 F.M. 2222 Road, in the City of Austin, Travis County, Texas, and as more particularly identified in the map attached as Exhibit "B".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property and the property described in Exhibits C, D, E, F, and G, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 6,500 adjusted trips per day.
2. Retail development may not exceed 4,000 square feet of gross floor area.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the Neighborhood Commercial (LR) base district and other applicable requirements.

PART 3. The Council waives the requirements of Section 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

PART 4. This ordinance takes effect on March 20, 2000.

PASSED AND APPROVED

March 9, 2000

§
§
§

Kirk Watson

Kirk Watson
Mayor

APPROVED:

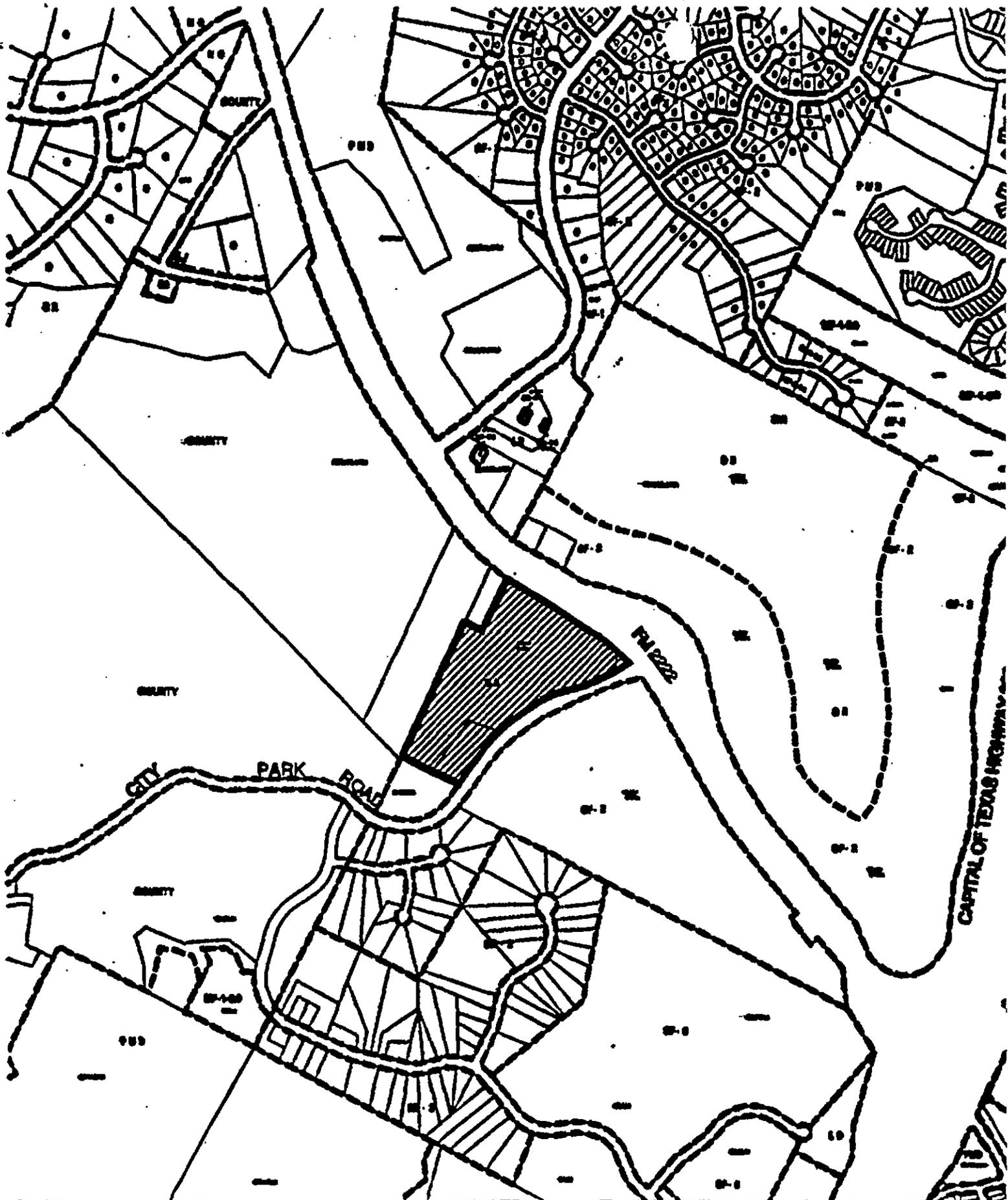
Andrew Martin

Andrew Martin
City Attorney

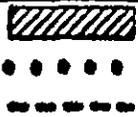
ATTEST:

Shirley A. Brown

Shirley A. Brown
City Clerk



SUBJECT TRACT
 PENDING CASE
 ZONING BOUNDARY
 CASE MOR: DPERRYMAN



CASE #: C14-99-0077
ADDRESS: FM 2222 AND CITY PARK

ZONING EXHIBIT B

DATE: 99-05

CITY GRID
 REFERENCE
 NUMBER
 F30

ORDINANCE NO. 000309-78

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 25-2 OF THE CITY CODE AS FOLLOWS:

A 45.208 ACRE TRACT OF LAND OUT OF THE JAMES JETT SURVEY NO. 1, FROM SINGLE FAMILY RESIDENCE STANDARD LOT (SF-2) DISTRICT TO GENERAL OFFICE-CONDITIONAL OVERLAY (GO-CO) COMBINING DISTRICT, LOCALLY KNOWN AS 6011-6411 CITY PARK ROAD AND 5801-6507 F.M. 2222 ROAD, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from Single Family Residence Standard Lot (SF-2) district to General Office-Conditional Overlay (GO-CO) combining district on the property described in File C14-98-0162, as follows:

A 45.208 acre tract of land out of the James Jett Survey No. 1, in Travis County, Texas, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, (the "Property")

commonly known as Tract 3, locally known as 6011-6411 City Park Road and 5801-6507 F.M. 2222 Road, in the City of Austin, Travis County, Texas, and as more particularly identified in the map attached as Exhibit "B".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property and the property described in Exhibits C, D, E, F, and G, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 6,500 adjusted trips per day.
2. Office development may not exceed 30,000 square feet of gross floor area.
3. A building or structure may not be constructed or maintained within 100 feet of the southern property line.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the General Office (GO) base district and other applicable requirements.

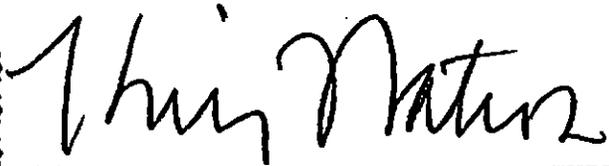
PART 3. The Council waives the requirements of Section 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

PART 4. This ordinance takes effect on March 20, 2000.

PASSED AND APPROVED

March 9, 2000

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Kirk Watson
Mayor

APPROVED:

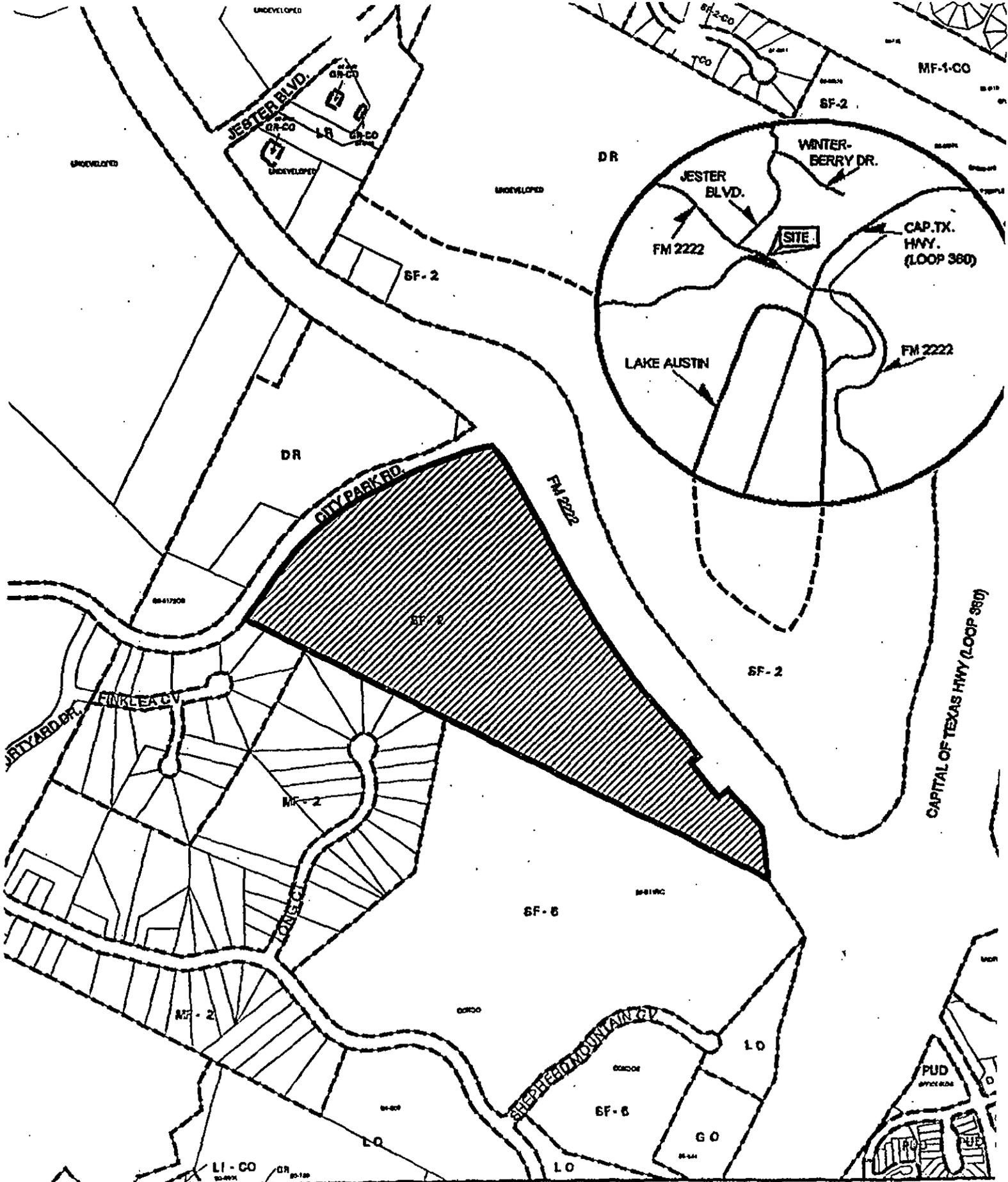


Andrew Martin
City Attorney

ATTEST:



Shirley A. Brown
City Clerk



N	SUBJECT TRACT	
	PENDING CASE	
	ZONING BOUNDARY	

ZONING EXHIBIT B

CASE #: C14-98-0162

ADDRESS: CITY PARK RD. & FM 2222

DATE: 98-10

CITY GRID REFERENCE NUMBER
F30

ORDINANCE NO. 000309-80

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 25-2 OF THE CITY CODE AS FOLLOWS:

THREE TRACTS OF LAND OUT OF THE JAMES JETT SURVEY NO. 1, FROM DEVELOPMENT RESERVE (DR) DISTRICT AND SINGLE FAMILY RESIDENCE STANDARD LOT (SF-2) DISTRICT TO MULTI-FAMILY RESIDENCE LIMITED DENSITY-CONDITIONAL OVERLAY (MF-1-CO) COMBINING DISTRICT FOR TRACT ONE, NEIGHBORHOOD COMMERCIAL-CONDITIONAL OVERLAY (LR-CO) COMBINING DISTRICT FOR TRACT TWO AND GENERAL OFFICE-CONDITIONAL OVERLAY (GO-CO) COMBINING DISTRICT FOR TRACT THREE, LOCALLY KNOWN AS 5800-6802 F.M. 2222 ROAD AND 6100-6712 CAPITAL OF TEXAS HIGHWAY NORTH (LOOP 360), IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base districts on the property described in File C14-99-0076, as follows:

Tract 1: From Development Reserve (DR) district and Single Family Residence Standard Lot (SF-2) district to Multi-Family Residence Limited Density-Conditional Overlay (MF-1-CO) combining district.

A 98.467 acre tract of land out of the James Jett Survey No. 1 in Travis County, Texas, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance;

Tract 2: From Single Family Residence Standard Lot (SF-2) district to Neighborhood Commercial-Conditional Overlay (LR-CO) combining district.

A 13.93 acre tract of land out of the James Jett Survey No. 1 in Travis County, Texas, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this ordinance;

Tract 3: From Development Reserve (DR) district and Single Family Residence Standard Lot (SF-2) district to General Office-Conditional Overlay (GO-CO) combining district.

A 28.794 acre tract of land out of the James Jett Survey No. 1 in Travis County, Texas, the tract of land being more particularly described by metes and bounds in Exhibit "C" incorporated into this ordinance, (the "Property")

commonly known as Tracts 1B, 1C and 1D, locally known as 5800-6802 F.M 2222 Road and 6100-6712 Capital of Texas Highway North, (Loop 360), in the City of Austin, Travis County, Texas, and as more particularly identified in the map attached as Exhibit "D".

PART 2. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property and the property described in Exhibits E, F, and G, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 6,500 adjusted trips per day.

PART 3. The property identified as Tract 1 within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. Development shall comply with the Townhouse and Condominium Residence (SF-6) site development regulations and performance standards, except as provided for in Subpart 2.
2. A building or structure may not exceed a height of 40 feet above ground level.

PART 4. The property identified as Tract 2 within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. Retail development may not exceed 40,000 square feet of gross floor area.
2. Prior to site plan approval, clean-up of lead deposits on the property must be completed.

PART 5. The property identified as Tract 3 within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

1. Office development may not exceed 230,000 square feet of gross floor area.
2. Prior to site plan approval, clean-up of lead deposits on the property must be completed.

PART 6. Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the respective base districts and other applicable requirements.

PART 7. The Council waives the requirements of Section 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

PART 8. This ordinance takes effect on March 20, 2000.

PASSED AND APPROVED

March 9, 2000

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Kirk Watson

Kirk Watson
Mayor

APPROVED:

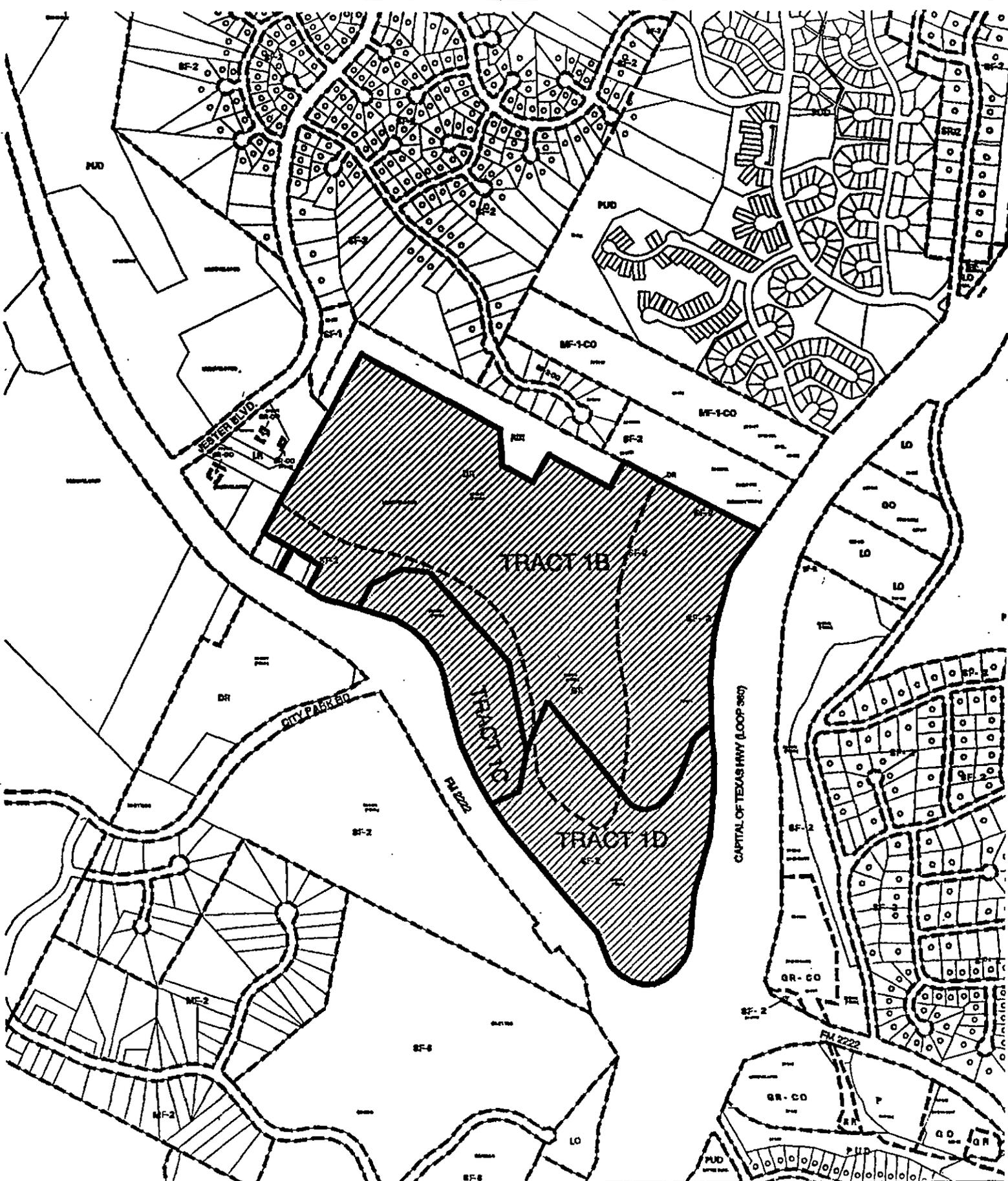
Andrew Martin

Andrew Martin
City Attorney

ATTEST:

Shirley A. Brown

Shirley A. Brown
City Clerk




 SUBJECT TRACT 
 PENDING CASE 
 ZONING BOUNDARY 
 CASE MGR: JRUSTHOVEN
(Signature)

CASE #: C14-99-0076
 ADDRESS: CHAMPION TRACT

ZONING EXHIBIT D

DATE: 00-03

CITY GRID
 REFERENCE
 NUMBER
 F30,F31

ORDINANCE NO. 000309-77

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP ACCOMPANYING CHAPTER 25-2 OF THE CITY CODE AS FOLLOWS:

A 3.157 ACRE TRACT OF LAND OUT OF THE JAMES JETT SURVEY NO. 1, FROM DEVELOPMENT RESERVE (DR) DISTRICT TO SINGLE FAMILY RESIDENCE STANDARD LOT-CONDITIONAL OVERLAY (SF-2-CO) COMBINING DISTRICT, LOCALLY KNOWN AS 6507 WINTERBERRY DRIVE, IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from Development Reserve (DR) district to Single Family Residence Standard Lot-Conditional Overlay (SF-2-CO) combining district on the property described in File C14-98-0161, as follows:

A 3.157 acre tract of land out of the James Jett Survey No. 1, in Travis County, Texas, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this ordinance, (the "Property")

commonly known as Tract 1A, locally known as 6507 Winterberry Drive, in the City of Austin, Travis County, Texas, and as more particularly identified in the map attached as Exhibit "B".

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property and the property described in Exhibits C, D, E, F, and G, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 6,500 adjusted trips per day.

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the Single Family Residence Standard Lot (SF-2) base district and other applicable requirements.

PART 3. The Council waives the requirements of Section 2-2-3, 2-2-5, and 2-2-7 of the City Code for this ordinance.

PART 4. This ordinance takes effect on March 20, 2000.

PASSED AND APPROVED

March 9, 2000

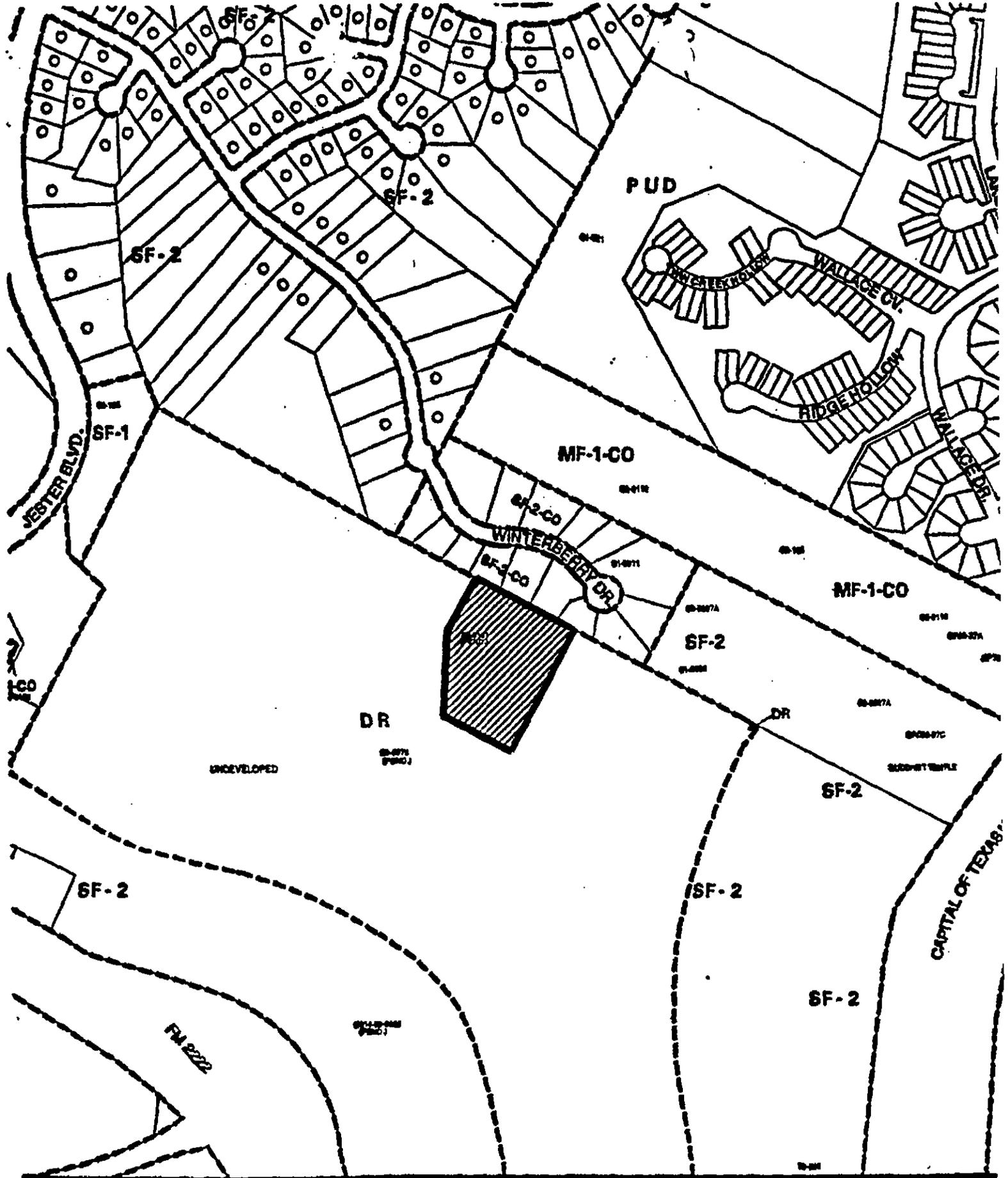
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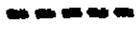
Kirk Watson

Kirk Watson
Mayor

APPROVED: Andrew Martin
Andrew Martin
City Attorney

ATTEST: Shirley A. Brown
Shirley A. Brown
City Clerk



 1" = 400'	SUBJECT TRACT 	ZONING EXHIBIT B		CITY GRID REFERENCE NUMBER F31
	PENDING CASE 			
	ZONING BOUNDARY 	CASE #: C14-98-0161		
	CASE MGR: DPERRYMAN 000 309-11	ADDRESS: 6507 WINTERBERRY DR. SUBJECT AREA (acres): 3.800		

- Tract 2: 20.59 acres, more or less, out of the James Jett Survey No. 1, Travis County, Texas, Travis County Tax Plat No. 1 4218 08 18, referred to in Application for Land Status Determination No. C81-87-021, the legal description of such tract contained in such application being adopted herein as if fully restated.
- Tract 3: 49.70 acres, more or less, out of the James Jett Survey No. 1, Travis County, Texas, Travis County Tax Plat No. 1 4218 08 18, referred to in Application for Land Status Determination bearing City of Austin filing No. C81-87-022, the legal description of such tract contained in such application being adopted herein as if fully restated.
- Tract 4: 9 acres, more or less, out of the T. J. Chambers Survey, Travis County, Travis County Tax Plat No. 1 3912 06 01, referred to in Application for Land Status Determination bearing City of Austin filing No. C81-87-023, the legal description of such tract contained in such application being adopted herein as if fully restated.
- Tract 5: 26 acres, more or less, out of the James Jett Survey No. 1 and the Thomas Jefferson Chambers Grant, Travis County, Texas, Travis County Tax Plat No. 1 4211 04 08 (pieces being located on 13418, 14218, 14312) referred to in Application for Land Status Determination bearing City of Austin filing No. C81-87-024, the legal description of such tract contained in such application being adopted herein as if fully restated.

2. Future development of the Subject Property, insofar as such development is within the regulatory and permitting authority of the City, will be governed by the following:

a. Unless otherwise specifically provided in this Agreement, during the term of this agreement all applications relating to development of the Subject Property will be governed solely by the applicable ordinances, rules or other regulations in effect for the subject property on December 8, 1993 immediately prior to the enactment of City of Austin Ordinance No. 931209-H, (the "Bull Creek Ordinance"), including the Lake Austin Watershed Ordinances by virtue of the fact that the tracts were "legal tracts." Such development applications shall include, but not be limited to, all applications for subdivision preliminary plans and final plats, resubdivision or replats, site plans, site development permits, zoning and rezoning (only to the extent that zoning and rezoning ordinances affect lot size, lot dimensions, lot coverage or building size), and all other permits and approvals required for the development of the Subject Property, and all revisions and amendments thereto (other than applications for building or construction permits for structures intended for human occupancy or habitation, which applications will be governed by the laws, ordinances, rules or regulations adopting solely the provisions of uniform building, fire, plumbing or mechanical codes promulgated by a nationally recognized code organization or local amendments to such codes enacted solely to address imminent threats of destruction of property or injury to persons in effect as of the date of the application for the applicable building or construction permit).

b. During the term of this Agreement, it is expressly agreed that the Subject Property may be subdivided and resubdivided so that each Tract may be comprised of one or more separate tracts or lots, under the requirements of the Lake Austin Watershed Ordinance without compliance with any ordinance, rule, regulation or other permitting or approval

requirement adopted after December 8, 1993, including specifically, but without limitation, the Comprehensive Watersheds Ordinance (Ordinance No. 860508-V) as the same has been codified and amended, which ordinance was not applicable by exemption to the Subject Property on December 8, 1993, and that further resubdivisions or replatting of the Subject Property will not trigger the necessity of compliance with the Comprehensive Watersheds Ordinance or any other ordinance, regulation or rule not in effect on December 8, 1993, (except with respect to all applications for building or construction permits for structures intended for human occupancy or habitation, which applications will be governed by the laws, ordinances, rules or regulations adopting solely the provisions of uniform building, fire, plumbing or mechanical codes promulgated by a nationally recognized code organization or local amendments to such codes enacted solely to address imminent threats of destruction of property or injury to persons in effect as of the date of the application for the applicable building or construction permit).

c. During the term of this Agreement, the total amount of impervious cover that may be constructed within Tracts 1, 2 and 3, and that portion of Tract 5 not made subject to Ordinance No. 930513-R will be the maximum impervious cover permitted by the Lake Austin Watershed Ordinance and other ordinances governing such tracts prior to the enactment of the Bull Creek Ordinance, and the amount of impervious cover will not be restricted to an amount less than that permitted by those ordinances.

d. The City will not require a new boundary survey as a condition for rezoning of Tracts 1, 2 and 3.

e. During the term of this Agreement, Tracts 4 and 5 will be permitted to be developed to the maximum extent of impervious cover and building square footage permitted by the Lake Austin Watershed Ordinance and other ordinances in effect on December 8, 1993, and by zoning ordinance No. 920507-B relating to such Tract 4 and zoning ordinance No. 930513-R relating to Tract 5. The restrictive covenant entered into in connection with the enactment of Ordinance 920507-B will be and is hereby amended to delete the following provisions thereof:

"12. Owners shall construct and maintain a detention pond with a minimum volume of two acre feet on the Property. The detention pond will be lined with grasses such (as) Switchgrass and Bushy Bluestem and other appropriate native vegetation for the purpose of reducing the rate of stormwater discharge to the rate of discharge without improvements constructed on the Property"; and

"5. Disturbance of the native vegetation on hillrock and rock outcropping in and along the southern portion of the Property shall be prohibited."

The Champions or their successors in interest shall be permitted to grade the said "hill rock and rock outcropping" to the surrounding natural level.

The aforementioned restrictive covenants will be removed in exchange for the following Agreements as set forth in the Special Exceptions Ordinance, to-wit:

A. For any development on the Property, applicant shall construct property engineered water-quality controls, including at minimum, water quality filtration ponds with full sedimentation chambers as described in the City of Austin Environmental Criteria Manual. The ponds shall be sized to capture the first one-half (.50) inch of stormwater plus one-tenth (.10) of an inch for each additional 10% of impervious cover above 20% from the contributing drainage areas of the project which include impervious

cover. In the event that any cut and fill variances necessary for the construction of these ponds are not granted, the Applicant shall not be required to comply with this subparagraph 2. e. A. Detention of the 2-year storm will not be required.

B. Any agreements, restrictions, covenants, or other legal documentation necessary to construct and maintain the water quality controls required hereby shall be reviewed by the City Law Department prior to execution, and shall include a provision requiring written City approval prior to termination or assignment.

C. Prior to the issuance of a certificate of occupancy or return of fiscal security for development on all or part of the Property, construction of the water-quality controls required hereby shall be completed, as determined by City of Austin inspection, for the portion of the subject property for which a Certificate of Occupancy or return of fiscal is requested.

f. During the term of this Agreement approvals of site plans for the Subject Property will be approved with necessary variances or other provisions reducing the set backs from Loop 360 and RR 2222 required by the Hill Country Roadways Ordinance (No. 860116-J) to twenty-five feet.

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3. The provisions of this Agreement will not be affected by any transfer or ownership of all or any part of the Subject Property. The rights and duties expressed herein will run with the land, and shall be binding upon, will be for the benefit of, will be assigned by, and will be enforceable by, the Champions and the subsequent owner(s) of the Subject Property, or any part thereof, and their respective successors and assigns.

4. In consideration for the dismissal of the claims in the lawsuit described below, during the term of this Agreement the City will not impose or require any filing, review, inspection, construction or notification fees with respect to any application for the processing or

approval of any subdivision preliminary plans and final plats, resubdivisions or replats, site plans or site development permits, zoning or rezoning for the development of the Subject Property, and all such fees are hereby expressly waived by the City.

5. During the term of this Agreement, the City will follow established regulations and procedures for any legislative actions (including, but not limited to, zoning or rezoning) related to the Subject Property to the extent that such regulations are not inconsistent with the Lake Austin Watershed Ordinance and this Agreement; provided, however, in the event any such legislative action results in requirements or conditions that are contrary to, in addition to, or in any manner inconsistent with, the provisions hereof, the owner(s) of the Subject Property, or any part thereof, may elect any one or more of the following with respect to any such ordinances, rules, regulations or other requirements sought to be imposed on the development or use of the Subject Property: (i) enforcement of any state law applicable to the development of the subject property, including without limitation, Sections 481.142, et seq., TEX. GOV'T CODE; (ii) assertion of all claims for attorneys' fees, court costs, temporary taking damages, permanent taking damages or other damages that were asserted or could have been asserted in the lawsuit described below and any such claims that may arise hereafter; and (iii) assertion of any other legal or equitable rights or claims that might exist with respect to the City's actions regarding the Subject Property.

6. Tracts 4 and 5 (excluding that portion of Tract 5 not made subject to zoning ordinance No. 930513-R). The exception granted herein shall apply to any "project" as that term is defined in Section 481.142, Texas Government Code, commenced on Tracts 4 and 5

within ten years by the filing of an application for preliminary subdivision (if applicable) and by the filing and approval of a site plan. In the event that said subdivision and site plan approval are not obtained within the ten year period, all subsequent permits for a "project" shall be governed by the Austin City Code in effect at the time of the filing of the development application.

Tracts 1, 2 and 3 and the portion of Tract 5 not made subject to zoning ordinance No. 930513-R. The exceptions granted herein shall apply to any "project" as that term is defined in Section 481.142, Texas Government Code, commenced on Tracts 1, 2 3, or that portion of Tract 5 not made subject to zoning ordinance No. 930513-R. within six years by the filing of an application for preliminary subdivision plan or any other development permit. Provided, however, that any application filed within six years will be subject to expirations contained in the Austin City Code in effect as of December 8, 1993. In the event that said development permit is not filed within the six year period, all subsequent permits for a "project" shall be governed by the Austin City Code in effect at the time of the filing of the development application.

Notwithstanding the foregoing, should the owners elect, applications filed during the first six years from the effective date of this Ordinance may be governed by the provisions of state law and the Austin City Code in effect at the time of the filing of said applications.

7. Nothing in this Agreement will prevent the City and the owner(s) of the Subject Property, or any part thereof, from making agreements regarding the development or use of the Subject Property, or any part thereof owned by such party, in addition or contrary to the

provisions hereof by agreement; provided, any such agreement must be in writing and executed by the City and the owners of the portions of the Subject Property affected thereby, and further provided that any such agreement shall expressly reference this Agreement.

8. The Champions and the City agree to submit to the Court in Cause No. 94-07160, in the 353rd District Court of Travis County, Texas, a proposed Agreed Order in the form attached hereto as Exhibit A and to request the Court to enter the Agreed Order in accordance with the settlement set forth in this Agreement.

9. Notwithstanding anything herein to the contrary, in the event of any conflict between any provision of this Compromise Settlement Agreement and the Special Exceptions Ordinance, the parties hereto agree that the Special Exceptions Ordinance shall control.

10. The City and the Champions warrant that the parties executing this Agreement have the all requisite authority to bind the parties and are executing the Agreement within the scope of and in accordance with such authority.

11. Unless expressly stated otherwise in this Agreement, the provisions hereof are binding on all successors, agents, employees, representatives and assigns of the City and the Champions.

12. This Agreement is made in settlement of disputed claims and causes of action, and the provisions hereof are not to be construed as an admission of liability by any party, which liability is hereby denied; nor is this Agreement or any proceeding in the lawsuit between the parties to be considered as res judicata, collateral estoppel or binding in any manner on persons or entities not parties hereto or otherwise entitled to the benefits by the express provisions

hereof.

EXECUTED to be effective the 11th day of July, 1996.

Josie Ellen Champion
JOSIE ELLEN CHAMPION

Janita Champion Meier
JANITA CHAMPION MEIER

MARY MARGARET CHAMPION ROBERSON

CITY OF AUSTIN

By: Alice Glasco
Printed Name: ALICE GLASCO
Its: _____

STATE OF TEXAS

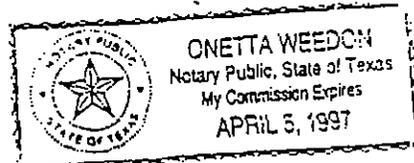
COUNTY OF TRAVIS

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BEFORE ME, the undersigned authority, appeared JOSIE ELLEN CHAMPION, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

SUBSCRIBED AND SWORN TO BEFORE ME on the 11th day of July, 1996, to certify which witness my hand and official seal.

Onetta Weedon
Notary Public, State of Texas
My Commission Expires: _____
Printed Name: _____



STATE OF TEXAS

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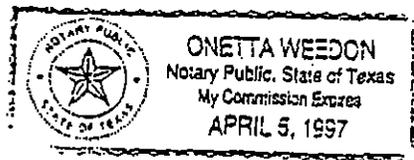
COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, appeared JUANITA CHAMPION MEIER, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

SUBSCRIBED AND SWORN TO BEFORE ME on the 11th day of July, 1996, to certify which witness my hand and official seal.

Onetta Weedon

Notary Public, State of Texas
My Commission Expires: _____
Printed Name: _____



STATE OF TEXAS

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COUNTY OF DALLAS

BEFORE ME, the undersigned authority, appeared MARY MARGARET CHAMPION ROBERSON, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

SUBSCRIBED AND SWORN TO BEFORE ME on the _____ day of _____, 1996, to certify which witness my hand and official seal.

Notary Public, State of Texas
My Commission Expires: _____
Printed Name: _____

STATE OF TEXAS

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COUNTY OF TRAVIS

BEFORE ME, the undersigned authority, appeared Nice Gleasco,
for the City of Austin, known to me to be the person whose name
is subscribed to the foregoing instrument and acknowledged to me that he executed the same for
the purposes and consideration therein expressed.

SUBSCRIBED AND SWORN TO BEFORE ME on the 27th day of
June, 1996, to certify which witness my hand and official seal.



Carol Kaml

Notary Public, State of Texas
My Commission Expires: _____
Printed Name: _____